

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7561

Petition of Central Vermont Public Service)
Corporation for a certificate of public good)
authorizing the reconductoring of approximately)
4,000 feet of 34.5 kV transmission line between)
the North St. Albans substation and the)
Eveready Tap in St. Albans Town, Vermont)

Order entered: 12/2/2009

I. INTRODUCTION

This case involves a petition filed on August 4, 2009, by Central Vermont Public Service Corporation ("CVPS") requesting a certificate of public good under 30 V.S.A. § 248(j) authorizing the reconductoring of approximately 4,000 feet of 34.5 kV transmission line in St. Albans, Vermont.

On August 19, 2009, the Clerk of the Public Service Board ("Board") issued a letter requesting further information regarding the petition.

On September 10, 2009, CVPS filed the required information.

Notice of the filing was sent on September 28, 2009, to all entities specified in 30 V.S.A. § 248(a)(4)(c) and all other interested parties. The notice stated that any party wishing to submit comments as to whether the petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 needed to file comments with the Board on or before October 29, 2009. A similar notice of the filing was published in the *St. Albans Messenger* on October 1 and October 8, 2009.

On October 6, 2009, the Vermont Department of Public Service ("Department") filed a letter stating that it does not believe that the petition raises any significant issues with respect to the substantive criteria of Section 248. The Department further states that it had asked CVPS how it would communicate to adjoining landowners the schedule of various actions undertaken

by CVPS in connection with the project; in its comments, the Department provides a schedule, proposed by CVPS, addressing the timing of these actions. The Department recommends that the Board include this notification process as a requirement in the CPG for the project. As discussed further, below, we accept the Department's recommendation.

No other comments on the petition were filed.

The Board has determined that the proposed construction will be of limited size and scope and that the petition has effectively addressed the issues raised with respect to the substantive criteria of 30 V.S.A. § 248. Consequently, we find that the procedures authorized by Section 248(j) are sufficient to satisfy the public interest, and no hearings are required.

II. FINDINGS

1. CVPS proposes to reconnector approximately 4,000 feet of 34.5 kV line in St. Albans, Vermont (the "Project"). The reconductoring will involve replacing existing #2 copper conductors with 477 MCM Aluminum Conductor Steel Reinforced ("ACSR") conductors between the North St. Albans substation and Eveready Tap in St. Albans Town. Johnson pf. at 2-3; exh. RCJ-1.

2. The North St. Albans to Eveready Tap line segment was constructed in 1956 and is part of an 11.6-mile 34.5 kV transmission loop around St. Albans which provides redundant transmission supply to the substations feeding the distribution system in the St. Albans area. The majority of the loop is conductored with 477 MCM ACSR, except the portion between the North St. Albans substation and the Eveready Tap. Johnson pf. at 2.

3. The existing transmission structures on this line segment, which utilize standard "T" construction, are deteriorating, and some of the structures are closely spaced. The majority of the structures will be replaced using standard "T" construction, and the spacing between the structures will be lengthened to reduce the overall number of structures along this line segment. Generally the pole lengths will increase from approximately 40 feet to approximately 50 feet. In addition, four of the nineteen existing structures will be eliminated. Johnson pf. at 2; letter from Jeanne Burns to Susan Hudson, dated September 9, 2009.

4. The purpose of the Project is to improve public safety by increasing line clearances and to allow for higher thermal capability during system contingencies. In addition, the Project will accommodate increased load growth in the area. Jones pf. at 3.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

5. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by findings 6 and 7, below.

6. The Project will not conflict with any land conservation measures in the municipal plan because the work will take place entirely within an existing transmission line corridor and will consist of replacing existing poles and conductors in the same alignment. The Project will not change any existing land uses in the area. Upton pf. at 2.

7. The St. Albans Town Selectboard, the St. Albans Town Planning Commission, and the Northwest Regional Planning Commission were provided a description of the Project's purpose, nature, and extent, along with location maps, on June 11, 2009. None of these entities recommended changes to the proposed design. Upton pf. at 3.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

8. The Project is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load management measures. This finding is supported by findings 9 and 10, below.

9. The purpose of the reconductoring is to improve public safety by increasing line clearance and to improve reliability when the load grows. Given that the transmission structures and conductor need to be modified due to the age of the existing plant and the clearance

concerns, replacement of the #2 copper conductor with the higher capacity 477 MCM ACSR conductor is justified at this time. The larger construction will help address clearance issues by improving line sag. Jones pf. at 3; letter from Jeanne Burns to Susan Hudson, dated September 9, 2009.

10. Overloads on the #2 copper conductor could occur sometime in 2012. The replacement of the #2 conductor with 477 MCM ACSR will more than triple the existing rating of the line. Letter from Jeanne Burns to Susan Hudson, dated September 9, 2009; Jones pf. at 3.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

11. The Project will not adversely affect system stability and reliability. This finding is supported by findings 12 through 14, below.

12. The larger conductors will provide 288% greater breaking strength. Johnson pf. at 3.

13. The Project will improve system performance during contingency situations. Jones pf. at 4.

14. The existing #2 copper conductor has a thermal limit of 11.7 MVA during the summer, compared to the 477 MCM ACSR conductor which has a summer thermal rating of 39.4 MVA. Jones pf. at 4.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

15. The Project will result in an economic benefit to the state and its residents. This finding is supported by findings 16 and 17, below.

16. The project will improve system performance and reliability during contingencies such as an ice storm or tree contact. The improved reliability will provide an economic benefit to the state and its residents. Johnson pf. at 3; Jones pf. at 4.

17. Construction costs for the Project are estimated at \$131,500. Johnson pf. at 3.

**Aesthetics, Historic Sites, Air and Water Purity,
the Natural Environment and Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

18. The Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings 19 through 45 below, which are the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(a) and (9)(k).

Outstanding Resource Waters

[10 V.S.A. § 1424(a)(d)]

19. The Project is not located on or near any outstanding resource waters. Upton pf. at 9.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

20. The Project will not result in undue water or air pollution. This finding is supported by findings 21 through 34, below.

21. Construction will take place only during daylight hours, which will minimize the effects of noise at neighboring properties. The project does not involve road construction or excessive dust during construction. No new clearing will be required and no burning will take place. Upton pf. at 3.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

22. The Project is not located in a headwaters area. Upton pf. at 4.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

23. The Project will meet applicable health and Environmental Conservation Department regulations regarding the disposal of wastes, and does not involve the disposal of wastes or injection of any material into surface or ground water. Retired materials will be removed from

the site for salvage, or for disposal in accordance with the Vermont Solid Waste Management Rule. Upton pf. at 4.

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

24. The Project will not require the use of water. Upton pf. at 4.

Floodways

[10 V.S.A. §§ 6086(a)(1)(D)]

25. The Project is not located in a floodway. Upton pf. at 4; exh. TOU-1.

Streams

[10 V.S.A. §§ 6086(a)(1)(E)]

26. The Project will not endanger the health, safety or welfare of the public or of adjoining landowners and will, whenever feasible, maintain the natural condition of the stream. This finding is supported by findings 27 and 28, below.

27. The transmission line crosses one intermittent stream. Upton pf. at 4; exh. TOU-1.

28. No road construction or access upgrades will be required for the Project. Stream crossings will be avoided to the greatest extent possible through careful management of accessing points (using multiple access points to avoid unnecessary crossings, and scheduling work to reduce the number of times the stream is crossed). If possible, work near the stream will be performed when the streambed is dry. These steps, along with the use of temporary construction matting if necessary, will maintain the natural condition of the stream. Upton pf. at 4-5.

Shorelines

[10 V.S.A. §§ 6086(a)(1)(F)]

29. The Project is not located on a shoreline. Upton pf. at 5; exh. TOU-1.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

30. The Project will not have an adverse impact on any wetlands and will comply with the rules of the Natural Resources Board relating to significant wetlands. This finding is supported by findings 31 and 32, below.

31. There are no significant wetlands in the Project area; however, there are two Class 3 wetlands in the Project area. One small wetland is located adjacent to Pole 77 at the edge of a maintained lawn; the pole location can be accessed from the lawn area and the pole replacement will not result in any wetland impacts. The second Class 3 wetland is located between Poles 80 and 83. At this location, one pole will be replaced in place and one pole will be shifted along the existing alignment to an upland location, thereby reducing the wetland impact compared to the existing line. Upton pf. at 5; exh. TOU-1.

32. No additional structures or fill will be placed in wetlands, and no road construction or upgrades will be required for access to the existing right-of-way, therefore a federal dredge/fill permit is not required. Wetland impacts will be avoided and minimized through careful management of access points. Construction matting will be used as necessary to protect wetland soils and vegetation. Any necessary post-construction seeding will be done using native wetland seed mixes approved by the Agency of Natural Resources. Upton pf. at 5-6.

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(2)&(3)]

33. The Project will not require the use of water. Upton pf. at 6.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

34. The Project will not result in unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. All work will take place within the existing cleared transmission line right-of-way. No road construction or access

upgrades will be required. When construction is complete, existing access ways will be seeded and mulched as required. Upton pf. at 6.

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

35. The Project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. There will be no change to the existing municipal road crossing. Upton pf. at 6.

Educational and Municipal Services

[10 V.S.A. § 6086(a)(6) and (7)]

36. The Project will have no impact on the ability of the Town of St. Albans to provide educational or municipal services. Arthur pf. at 14.

Aesthetics, Historic Sites and Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

37. The Project will not have an undue adverse impact on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by findings 38 through 43, below.

38. The Project involves the reconductoring of approximately 4,000 feet of 34.5 kV transmission line in St. Albans Town. Upton pf. at 2; exh. RCJ-1.

39. The Project will involve the replacement of existing conductors and some existing poles. No clearing will be necessary outside the existing right-of-way. Replacement poles will be located within the existing alignment. Upton pf. at 7-8.

40. The spacing between some structures will be lengthened to reduce the number of structures along this line segment. Generally the pole lengths will increase from approximately 40 feet to approximately 50 feet. In addition, four of the nineteen existing structures will be

eliminated. Johnson pf. at 2-3; letter from Jeanne Burns to Susan Hudson, dated September 9, 2009.

41. The Project will not have an adverse impact on aesthetics or natural beauty. Upton pf. at 7.

42. Due to its nature and location, the Project is unlikely to have any impact on potential archaeological sites. Scott Dillon of the Vermont Division for Historical Preservation has visited the Project site and determined that no further archaeological investigation is required. Upton pf. at 8.

43. There are no known rare or irreplaceable natural areas in the Project area. Upton pf. at 8.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

44. The Project will not destroy or significantly imperil necessary wildlife habitat or any endangered species. Construction will take place entirely within an existing cleared transmission corridor. There are no known endangered species sites in the Project area. Upton pf. at 8.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

45. The Project will not unnecessarily or unreasonably endanger any public or quasi-public investment in any government or public facilities, services, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of the public's use or enjoyment of or access to such facilities, services or lands. The transmission line crosses one public road; the location and nature of the crossing will not change. Existing roads and driveways will be used to access the right-of-way. Upton pf. at 9.

Public Health and Safety

[Section 248(b)(5)]

Discussion

The Department recommends that the Board include, as a requirement in the certificate of public good in this docket, that CVPS comply with the process described below for notifying

adjoining landowners regarding the work it intends to undertake. The Department represents that the process set forth below was communicated by CVPS to the Department. The Department states that the process will adequately inform homeowners of the work being performed near their property. We adopt the Department's recommendation and include in the CPG issued today the requirement that CVPS comply with the following notification process:

Approximately 3 weeks prior to the start of construction CVPS will send out a letter to all abutters to the project indicating the following:

- The nature of the project and what the landowners can expect along the corridor including replacing poles, running new conductor, tree cutting, tree trimming, and what type of equipment will be used.
- A project timeframe of when CVPS expects to start and how long the project will take.
- A statement describing the next step, which will be contacting landowners directly whose property will need to be crossed to access the right of way ("ROW").
- Contact information for the individuals responsible for the project.

About one week after the letter goes out, CVPS will contact those landowners whose property it needs to cross and describe to them specifically why and where it needs to access the ROW across their property. CVPS will also discuss what type of equipment will cross their property and what CVPS will do if repairs are needed to the terrain.

In addition to imposing this requirement, we note that property crossing must be in accordance with existing, or to-be-obtained, easements or agreements.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

46. The Project is consistent with the principles for resource selection in accordance with CVPS's approved least-cost integrated resource plan ("IRP"). The Project will help improve reliability and efficiency, consistent with CVPS's IRP. The replacement of the #2 copper conductor with the 477 MCM ACSR conductor will improve system performance. Jones pf. at 4.

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

47. The Project is consistent with the 2005 Vermont Electric Plan. The plan states that "each utility should on a continuous basis assess and enhance the reliability of its power system" and "evaluate optimum engineering configurations for each circuit. Reliability and safety criteria should be reflected." The Project improves reliability and transmission system efficiency. Jones pf. at 4-5.

48. The Department filed a determination, in a letter dated October 29, 2009, that the proposed project is consistent with the Vermont Twenty-Year Electric Plan, in accordance with 30 V.S.A § 202(f).

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

49. The Project is not located on or near any outstanding resource waters. Upton pf. at 9.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

50. The Project can be served economically by existing transmission facilities without undue adverse effect on Vermont utilities or customers. The Project consists of the reconductoring of an existing transmission line, originally constructed in 1956 and an integral part of the CVPS transmission system service in the St. Albans area. Johnson pf. at 3-4.

III. CONCLUSION

Based upon all of the above evidence, we conclude that the proposed construction will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont ("Board") that the proposed Project, in accordance with the evidence and plans presented in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. Section 248, and a certificate of public good shall be issued in the matter, subject to the following conditions:

1. The Project shall be constructed in accordance with the evidence and plans submitted in this proceeding.

2. Central Vermont Public Service Corporation shall provide notification of the Project to adjoining landowners in a manner substantially consistent with the process set forth above.

Dated at Montpelier, Vermont this 2nd day of December, 2009.

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|-----------------|---|-------------------------|
| s/James Volz |) | PUBLIC SERVICE |
| |) | |
| |) | |
| s/David C. Coen |) | BOARD OF VERMONT |
| |) | |
| s/John D. Burke |) | |

OFFICE OF THE CLERK

FILED: December 2, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.